

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1513 W. Joppa Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Councilmanic District		
Christopher & Jennifer Rodriguez	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0022-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners of the property, Christopher & Jennifer Rodriguez for property located at 1513 W. Joppa Road. The Variance request is from § 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit an accessory structure (storage shed) in the front yard in lieu of the required rear yard.

This matter was originally filed as an Administrative Variance, with a closing date of August 26, 2013. On August 23, 2013, Ruxton Riderwood Lake Roland Area Improvement Association (RRLRAIA) requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, October 17, 2013 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated August 27, 2013, and from the Bureau of Development Plans Review, dated August 14, 2013.

Appearing at the public hearing in support for this case was Christopher & Jennifer Rodriguez and Mitch Kellman from Daft, McCune & Walker, Inc., the firm that prepared the site plan. J. Neil Lanzi, Esquire appeared and represented the Petitioners. Several community

members appeared and opposed the petition.

Testimony and evidence revealed that the subject property is approximately 1.316 +/- acres and is zoned DR 2. The Petitioners constructed a garage for storage in their front yard, and indicated they were unaware of the regulations which require rear yard placement. The variance was sought to validate or legitimize the existing structure.

In this case, I do not believe the relief can be granted. In a memorandum dated February 12, 2014, the Department of Public Works indicated the shed was positioned just 6 feet from the floodplain, and that agency recommended denial of the petition. In these circumstances, the grant of variance relief would be inappropriate.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED, this 21st day of February, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (storage shed) in the front yard in lieu of the required rear yard, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln